

AMENDED IN SENATE APRIL 19, 2004

AMENDED IN SENATE APRIL 15, 2004

**SENATE BILL**

**No. 1577**

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**Introduced by Committee on Elections and Reapportionment  
(Senators Perata (Chair), Escutia, and Murray)**

February 19, 2004

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An act to amend Sections 17, 331, 332, 2124, 3400, ~~4000~~, and 9160 of, and to amend and repeal Section 12223 of, the Elections Code, relating to voting.

LEGISLATIVE COUNSEL'S DIGEST

SB 1577, as amended, Committee on Elections and Reapportionment. Elections: voting.

(1) Existing law requires the Secretary of State to establish and maintain administrative complaint procedures, pursuant to the requirements of the federal Help America Vote Act of 2002.

This bill would prohibit the Secretary of State from establishing a requirement that the administrative remedies provided in the complaint procedures be exhausted in order to pursue any other remedies provided by state or federal law.

(2) Existing law defines a new citizen as any person who meets all the requirements of an elector of, and has established residency in, California, except that he or she will become a United States citizen after the 29th day prior to an election, but on or before the 7th day prior to that election.

This bill would, instead, define a new citizen as any person who meets all the requirements of an elector of, and has established residency in, California, except that he or she will become a United

States citizen after the 15th day prior to an election, but on or before the 7th day prior to that election.

(3) Existing law defines a new resident as any person who meets all the requirements of an elector of the State of California, except that his or her residency was established after the 29th day prior to an election.

This bill would, instead, define a new resident as any person who meets all the requirements of an elector of the State of California, except that his or her residency was established after the 15th day prior to an election.

(4) Existing law requires the Secretary of State to adopt, by regulation, uniform standards for proof of residency to apply in all instances where voters and new registrants are required by law to prove residency.

This bill would, instead, require the Secretary of State to adopt uniform and nondiscriminatory standards for meeting the identification requirements of the federal Help America Vote Act of 2002.

(5) Existing law requires that registration for new residents begin the 28th day prior to an election and end on the 7th day prior to the election day.

This bill would, instead, require that registration for new residents begin the 14th day prior to an election.

~~(6) Existing law authorizes an election to be conducted wholly by mail, but limits the use of this mail ballot procedure to elections in which no more than 1,000 registered voters are eligible to participate in the election, elections for measures restricted to the imposition of taxes or expenditure limitation in cities, counties, or special districts with 5,000 or fewer registered voters, and other elections that are expressly included within a list enumerated in existing law.~~

~~This bill would allow the mail ballot procedure in elections in which no more than 100,000 voters are eligible. The bill would remove the restriction that the mail ballot procedure be used only in elections for measures relating to expenditure limits, and would allow the procedure to be used in a city, county, or special district with 100,000 or fewer voters. The bill would also allow the mail ballot procedure to be used in a municipal election that is held to submit a measure or measures to a vote in a city that conducts its own elections, if other specified requirements are met.~~

~~(7) Existing law requires the county counsel or district attorney of a county in which an election on a measure is to be held to prepare an impartial analysis of the measure. In the event that the entire text of the~~



measure is not printed on the ballot or in the sample ballot, existing law requires, immediately following the impartial analysis, a written statement informing voters that a copy of the entire ordinance or measure is available by calling the elections official's office.

This bill would allow an elections official, at his or her discretion, to include an additional written statement following the impartial analysis indicating that the full text of the measure may be obtained on the county Web site.

~~(8)~~

(7) Existing law, which is operative until January 1, 2005, prescribes the duties of county elections officials in connection with the formation of election precincts or the change of precinct boundaries, among other things, and provides that the number of voters may not exceed 1,000 in any new or changed voting precinct in counties with a population of less than 1,000,000, or 1,250 in counties with a population of 1,000,000 or more. Existing law requires an elections official to provide to the Secretary of State and to the public written information that addresses specified factors before establishing a precinct in which the number of voters exceeds 1,000.

This bill would extend these provisions of existing law. By requiring local elections officials to continue to provide certain information to the Secretary of State, this bill would impose a state-mandated local program.

~~(9)~~

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



*The people of the State of California do enact as follows:*

SECTION 1. Section 17 of the Elections Code is amended to read:

17. The Secretary of State shall establish and maintain administrative complaint procedures, pursuant to the requirements of the Help America Vote Act of 2002 (42 U.S.C. Sec. 15512), in order to remedy grievances in the administration of elections. The Secretary of State may not require that the administrative remedies provided in the complaint procedures established pursuant to this section be exhausted in order to pursue any other remedies provided by state or federal law.

SEC. 2. Section 331 of the Elections Code is amended to read:

331. “New citizen” means any person who meets all requirements of an elector of, and has established residency in, the State of California, except that he or she will become a United States citizen after the 15th day prior to an election but on or before the seventh day prior to that election.

SEC. 3. Section 332 of the Elections Code is amended to read:

332. “New resident” means a person who meets all requirements of an elector of the State of California except that his or her residency was established subsequent to the 15th day prior to the election.

The new resident is eligible to vote for President and Vice President and for no other office.

SEC. 4. Section 2124 of the Elections Code is amended to read:

2124. The Secretary of State shall adopt uniform and nondiscriminatory standards for meeting the identification requirements of the Help America Vote Act of 2002 (42 U.S.C. Sec. 15483(b)).

SEC. 5. Section 3400 of the Elections Code is amended to read:

3400. Registration for new residents shall be in progress beginning with the 14th day prior to an election and ending on the seventh day prior to election day.

This registration must be executed in the county elections office and the new resident shall vote a new resident’s ballot in that office.

~~SEC. 6. Section 4000 of the Elections Code is amended to read:~~

~~4000. A local, special, or consolidated election may be conducted wholly by mail provided that all of the following conditions apply:~~

~~(a) The governing body of the local agency authorizes the use of mailed ballots for the election.~~

~~(b) The election is held on an established mailed ballot election date pursuant to Section 1500.~~

~~(c) The election is one of the following:~~

~~(1) An election in which no more than 100,000 registered voters are eligible to participate.~~

~~(2) An election on a measure or measures restricted to expenditure limitation overrides in a city, county, or special district with 100,000 or fewer registered voters calculated as of the time of the last report of registration by the county elections official to the Secretary of State.~~

~~(3) An election on the issuance of a general obligation water bond in accordance with Section 12944.5 of the Water Code.~~

~~(4) An election of the Directors of the Monterey Peninsula Water Management District as authorized in Section 122 of Chapter 527 of the Statutes of 1977, known as the Monterey Peninsula Water Management District Law.~~

~~(5) An election of the Aliso Water Management Agency, or its affected member agencies, pursuant to Sections 13416 and 13417 of the Water Code.~~

~~(6) An election of the San Jacinto Mountain Area Water Study Agency pursuant to Sections 13416 and 13417 of the Water Code.~~

~~(7) An election of the San Lorenzo Valley Water District pursuant to Sections 13416 and 13417 of the Water Code.~~

~~(8) An election required by Article XIII C of the California Constitution.~~

~~(9) A municipal election that is held to submit a measure or measures to a vote in a city that conducts its own elections.~~

~~SEC. 7.~~

~~SEC. 6. Section 9160 of the Elections Code is amended to read:~~

~~9160. (a) Whenever any county measure qualifies for a place on the ballot, the county elections official shall transmit a copy of the measure to the county auditor and to the county counsel or to the district attorney in any county which has no county counsel.~~

(b) The county counsel or district attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall be printed preceding the arguments for and against the measure. The analysis may not exceed 500 words in length.

In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point boldface type, a legend substantially as follows:

“The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the elections official’s office at (insert telephone number) and a copy will be mailed at no cost to you.”

The elections official may, at his or her discretion, add the following message: “You may also access the full text of the measure on the county Web site at the following Web site address (insert Web site address).”

(c) Not later than 88 days prior to an election that includes a county ballot measure, the board of supervisors may direct the county auditor to review the measure and determine whether the substance thereof, if adopted, would affect the revenues or expenditures of the county. He or she shall prepare a fiscal impact statement which estimates the amount of any increase or decrease in revenues or costs to the county if the proposed measure is adopted. The fiscal impact statement is “official matter” within the meaning of Section 13303, and shall be printed preceding the arguments for and against the measure. The fiscal impact statement may not exceed 500 words in length.

~~SEC. 8.~~

*SEC. 7.* Section 12223 of the Elections Code, as amended by Section 2 of Chapter 904 of the Statutes of 2001, is amended to read:

12223. (a) Whenever any jurisdiction is divided into election precincts or whenever the boundaries of established precincts are changed or new precincts created, the precinct boundaries shall be fixed in a manner so that the number of voters in each precinct does not exceed 1,000 in counties with a population of less than 1,000,000, and does not exceed 1,250 in all

1 other counties, on the 88th day prior to the day of election, unless  
2 otherwise provided by law.

3 (b) Before establishing an election precinct in which the  
4 number of voters exceeds 1,000, the elections official shall provide  
5 to the Secretary of State and to the public written information  
6 which addresses all of the following:

7 (1) Absentee voting patterns of the registered voters in the  
8 proposed precinct areas.

9 (2) Voter turnout rates at polling places in the precinct areas.

10 (3) The consistency of the location of the polling place, from  
11 one statewide election to the next.

12 (4) Proposed staffing levels at the precinct and training to be  
13 provided to poll workers.

14 (5) Compliance with the federal Voting and Accessibility for  
15 the Elderly and Handicapped Act of 1984 (42 U.S.C. Sec. 1973ee)  
16 and Section 12280 of this code.

17 (c) A county that increases any election precinct to more than  
18 1,000 voters shall report that action to the Secretary of State and  
19 shall provide any information required by the Secretary of State to  
20 determine the impact of that increase. The Secretary of State shall  
21 report to the Legislature by January 1, 2004, on the impact of  
22 election precincts in excess of 1,000 voters. The report shall  
23 include recommendations about whether or not future legislative  
24 action is necessary.

25 ~~SEC. 9.~~

26 *SEC. 8.* Section 12223 of the Elections Code, as added by  
27 Section 3 of Chapter 904 of the Statutes of 2001, is repealed.

28 ~~SEC. 10.~~

29 *SEC. 9.* Notwithstanding Section 17610 of the Government  
30 Code, if the Commission on State Mandates determines that this  
31 act contains costs mandated by the state, reimbursement to local  
32 agencies and school districts for those costs shall be made pursuant  
33 to Part 7 (commencing with Section 17500) of Division 4 of Title  
34 2 of the Government Code. If the statewide cost of the claim for  
35 reimbursement does not exceed one million dollars (\$1,000,000),  
36 reimbursement shall be made from the State Mandates Claims  
37 Fund.